

IN THE UNITED STATES DISTRICT COURT  
DISTRICT OF SOUTH CAROLINA  
GREENVILLE DIVISION

Bruce Olen Underwood,

Petitioner,

v.

Warden Lewis,

Respondent.

C/A No. 6:17-cv-03004-JFA

**ORDER**

Petitioner Bruce Olen Underwood (“Petitioner”), a state prisoner proceeding *pro se*, seeks habeas corpus relief pursuant to 28 U.S.C. § 2254. (ECF No. 1). After reviewing the pleadings, the Magistrate Judge assigned to this action<sup>1</sup> prepared a thorough Report and Recommendation (“Report”) and recommends that Respondent Warden Lewis’ (“Respondent”) Motion for Summary Judgment (ECF No. 37) be granted and Petitioner’s Motion for Default Judgment (ECF No. 43) and Motion for Hearing (ECF No. 46) be denied. (ECF No. 52). The Report sets forth, in detail, the relevant facts and standards of law on this matter, and this Court incorporates those facts and standards without a recitation. (ECF No. 52).

Petitioner was advised of his right to file objections to the Report, which was filed by the Magistrate Judge on October 25, 2018. (ECF No. 52). The Magistrate Judge required Petitioner to file objections to the Report by November 8, 2018. (ECF No. 52 at 11). However, Petitioner did not file objections and the time to do so has now expired. A district court is required to conduct a

---

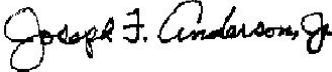
<sup>1</sup> The Magistrate Judge’s review is made in accordance with 28 U.S.C. § 636(b)(1) and Local Civil Rule 73.02(B)(2) (D.S.C.). The Magistrate Judge makes only a recommendation to this Court. The recommendation has no presumptive weight, and the responsibility to make a final determination remains with this Court. *Mathews v. Weber*, 423 U.S. 261, 271 (1976). The Court is charged with making a *de novo* determination of those portions of the Report and Recommendation to which specific objection is made, and the Court may accept, reject, or modify, in whole or in part, the recommendation of the Magistrate Judge, or recommit the matter to the Magistrate Judge with instructions. *See* 28 U.S.C. § 636(b)(1).

de novo review only of the specific portions of the Report to which an objection is made. *See* 28 U.S.C. § 636(b); Fed. R. Civ. P. 72(b); *Carniewski v. W. Va. Bd. of Prob. & Parole*, 974 F.2d 1330 (4th Cir. 1992). In the absence of specific objections to portions of the Report, this Court is not required to give an explanation for adopting the Magistrate Judge's recommendation. *See Camby v. Davis*, 718 F.2d 198, 199 (4th Cir. 1983). The Magistrate Judge has allowed Petitioner ample time to respond to the Report and Petitioner has failed to do so.

After carefully reviewing the applicable laws, the record in this case, as well as the Report, this Court finds the Magistrate Judge's recommendation fairly and accurately summarizes the facts and applies the correct principles of law. Accordingly, the Court adopts the Magistrate Judge's Report (ECF No. 52). Therefore, Respondent's Motion for Summary Judgment (ECF No. 37) is granted, Petitioner's Motion for Default Judgment (ECF No. 43) is denied, and Petitioner's habeas petition is dismissed with prejudice. Moreover, Petitioner's Motion for Hearing (ECF No. 46) is denied as moot.

IT IS SO ORDERED.

March 6, 2019  
Columbia, South Carolina

  
Joseph F. Anderson, Jr.  
United States District Judge